

**Matter of Campbell**  
**Del. Supr. No. 247, 2000 (9/18/00)**  
**Board Case No. 64, 1998**

**Disciplinary Rules:**            **DLRPC 8.4(c)**

**Sanctions Imposed:**        Six-month and One-day Suspension

The Delaware Supreme Court approved the findings and recommendations of the Board on Professional Responsibility (the “Board”), and has ordered that William G. Campbell, a member of the bar since 1967, be suspended from the practice of law for a period of six months and one day. This suspension is effective September 18, 2000. During the suspension, Mr. Campbell is prohibited from engaging in the practice of law, directly or indirectly, and is prohibited from sharing or receiving legal fees. Mr. Campbell will be required to petition the Board for reinstatement.

The sanction of suspension was imposed on Mr. Campbell based on his ethical misconduct in violation of Rule 8.4(c) of the Delaware Lawyers’ Rules of Professional Responsibility (the “Rules”). Rule 8.4(c) states that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.” The Court approved the Board’s finding that Mr. Campbell, an experienced lawyer, had engaged in material misrepresentations, financial dishonesty and misappropriation of funds from his law firm and partners. Mr. Campbell did not dispute the Rule violation. A six-month and one day period of suspension was deemed appropriate in light of the duty violated and consideration of aggravating and mitigating circumstances.

Mr. Campbell, a partner in a law firm, had misappropriated firm funds for his own use for a period of approximately two years. He charged questionable and improper expenses to a contingency account, the expense of which was borne by the firm; he submitted expenses, earmarked for client accounts, with no supporting documentation; and he received reimbursement from the firm for personal travel expenses for his family. Upon confrontation by members of his family and the firm, Mr. Campbell sought counseling for an apparent gambling addiction. He was subsequently diagnosed as a Pathological Gambler with a good prognosis for recovery, so long as he remains active in Gambler’s Anonymous. Mr. Campbell resigned from the firm after having made full restitution.

In determining the appropriate sanction for the Rule violation, the following four

factors were considered: 1) The nature of the duty violated—a duty to the public. Mr. Campbell had intentionally engaged in dishonest, fraudulent conduct which seriously adversely reflected on his fitness to practice law; 2) Mr. Campbell's state of mind. He suffers from a mental disorder—compulsive gambling; 3) The actual or potential injury caused by Mr. Campbell's misconduct. Through no fault of Mr. Campbell, there was no actual harm to clients; however, funds, which were otherwise available to firm members, had been diverted by Mr. Campbell for his personal use; 4) Factors in aggravation and mitigation of the degree of discipline to be imposed. The mitigating factors outweighed the aggravating factors.

The mitigating factors included Mr. Campbell's excellent reputation for competence and character at the Bar and among the public; his lack of any prior disciplinary record; his personal and emotional problems—compulsive gambling; his good faith efforts to make restitution and to rectify the consequences of his misconduct; his full disclosure of his misconduct to his firm and to the Office of Disciplinary Counsel and his cooperative attitude toward the disciplinary process; his expression of remorse for his acts of misconduct; his act of withdrawing from the practice of law, with no intention of renewing his practice; and his demonstration of ongoing counseling and therapy for his gambling addiction and a sustained period of successful rehabilitation.

The aggravating factors included Mr. Campbell's selfish and dishonest motive in misappropriating the funds; his pattern of misconduct, even if for a limited period; and his substantial experience in the practice of law at the time of the misconduct, which placed him in a more culpable position than that of a novice practitioner.

In light of Mr. Campbell's substantial experience in the Bar, his intentional acts of deceit and dishonesty involving his clients and partners warranted a serious sanction—suspension. The period of suspension of six months and one day was recommended based upon Mr. Campbell's admitted recognition of his gambling problem and his subsequent treatment of that problem and the significant number of factors in mitigation of a stronger sanction. This sanction is “a message to other practitioners that disclosure of the misconduct, candor, cooperation and a good faith effort to rectify the consequences of the misconduct is in the best interest not only of the public and the Bar, but the culpable lawyer.”